

By 

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9 **BEFORE THE**
SPEECH-LANGUAGE PATHOLOGY AND AUDIOLOGY AND HEARING AID
10 **DISPENSERS BOARD**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. 11-2009-31

13 **ANNA MARIE MCBRIDE, SP**
14 **1508 Snyder Road**
Kingston, Ohio 45644

A C C U S A T I O N

15 **Speech-Language Pathologist License No.**
16 **SP 16764**

17 Respondent.

18 Complainant alleges:

19 **PARTIES**

20 1. Annemarie Del Mugnaio ("Complainant") brings this Accusation solely in her official
21 capacity as the Executive Officer of the Speech-Language Pathology and Audiology and Hearing
22 Aid Dispensers Board.

23 2. On or about May 1, 2008, the Speech-Language Pathology and Audiology and
24 Hearing Aid Dispensers Board ("Board") issued Speech-Language Pathologist License Number
25 SP 16764 to Anna Marie McBride, SP ("Respondent"). The Speech-Language Pathologist
26 License expired on May 31, 2010, and has not been renewed.

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JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2531.5 of the Code provides that the Board shall issue, suspend, and revoke licenses and approvals to practice speech-language pathology and audiology as authorized by this chapter.

5. Section 2533 of the Code provides that the board may suspend, revoke, or impose terms and conditions upon the license of any licensee if he or she has been guilty of unprofessional conduct. The section states, in pertinent part: "Unprofessional conduct shall include, but shall not be limited to, the following:

"(f) Incompetence or gross negligence in the practice of speech-language pathology or audiology. . . ."

6. California Code of Regulations section 1399.156 states:

"Unprofessional conduct as set forth in Section 2533 of the code includes, but is not limited to the following:

(a) Violating or conspiring to violate or aiding or abetting any person to violate the provisions of the Act or these regulations.

(b) Committing any corrupt act, or any abusive act against a patient, which is substantially related to the qualifications, functions or duties of a speech-language pathologist or audiologist.

(c) Incompetence or negligence in the practice of speech-language pathology or audiology which has endangered or is likely to endanger the health, welfare, or safety of the public."

7. Section 125.3 of the Code states, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

8. Section 118, subdivision (b), of the Code provides that the suspension/expiration/surrender/cancellation of a license shall not deprive the Board/Registrar/Director of jurisdiction to proceed with a disciplinary action during the period

1 within which the license may be renewed, restored, reissued or reinstated.

2 FIRST CAUSE FOR DISCIPLINE

3 (Unprofessional Conduct)

4 [BandP Code § 2533(f), CCR §1399.156]

5 9. Respondent is subject to disciplinary action under Code section 2533(f) and
6 California Code of Regulations section 1399.156 in that she engaged in unprofessional conduct.
7 The circumstances are as follows:

8 10. Respondent worked as a consultant for Bay Area Speech Language Consultants in
9 2008. She was initially retained as an independent consultant to provide services for the Marin
10 County School District. During the 2008 school year, Respondent was assigned to Novato High
11 School to provide speech-language pathology services for several students. She was required to
12 conduct and complete progress reports on Individual Education Plans (IEPs) for students who
13 require such services. Respondent scored basic speech and language evaluations incorrectly for
14 two of the students. Due to Respondent's errors in scoring, both students were placed at a lower
15 range of language functioning which did not accurately reflect their actual abilities.

16 11. Respondent's conduct set forth above constitutes unprofessional conduct within the
17 meaning of Code section 2533(f) in that her practice of speech-language pathology while
18 employed at the Marin County School District put two students at risk for not receiving the
19 appropriate services to which they were entitled.

20 PRAYER

21 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
22 and that following the hearing, the Board issue a decision:

23 1. Revoking or suspending Speech-Language Pathologist License Number SP 16764,
24 issued to Anna Marie McBride, SP;

25 2. Ordering Anna Marie McBride, SP to pay the Board the reasonable costs of the
26 investigation and enforcement of this case, pursuant to Business and Professions Code section
27 125.3;

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3. Taking such other and further action as deemed necessary and proper.

DATED: August 23, 2011

Annemarie Del Mugnaio

ANNEMARIE DEL MUGNAIO
Executive Officer
Speech-Language Pathology and Audiology and Hearing
Aid Dispensers Board
State of California
Complainant

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